

## Office of Personnel Management

## § 332.102

However, in certain situations, agencies may have a business need to obtain information about the background of applicants earlier in the hiring process to determine if they meet the qualifications requirements or are suitable for the position being filled. If so, agencies must request an exception from the Office of Personnel Management in order to determine an applicant's ability to meet qualifications or suitability for Federal employment prior to making a conditional offer of employment to the applicant(s). OPM will grant exceptions only when the agency demonstrates specific job-related reasons why the agency needs to evaluate an applicant's criminal or adverse credit history earlier in the process or consider the disqualification of candidates with criminal backgrounds or other conduct issues from particular types of positions. OPM will consider such factors as, but not limited to, the nature of the position being filled and whether a clean criminal history record would be essential to the ability to perform one of the duties of the position effectively. OPM may also consider positions for which the expense of completing the examination makes it appropriate to adjudicate suitability at the outset of the process (e.g., a position that requires that an applicant complete a rigorous training regimen and pass an examination based upon the training before his or her selection can be finalized). A hiring agency must request and receive an OPM-approved exception prior to issuing public notice for a position for which the agency will collect background information prior to completion of the assessment process and the making of a conditional offer of employment.

### PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

#### Subpart A—General Provisions

Sec.  
332.101 General policy of competition.  
332.102 Definitions.

#### Subpart B [Reserved]

### Subpart C—Period of Competition and Eligibility

#### GENERAL

332.301 Termination of eligibility.

#### ACCEPTANCE OF APPLICATIONS AFTER CLOSING DATE OF EXAMINATIONS

332.311 Quarterly examinations.

332.312 Applicants in military or overseas service.

332.313 Preference eligibles separated from competitive positions.

332.314 [Reserved]

#### RESTORATION OF ELIGIBILITY

332.321 Preference eligibles who resigned from competitive positions.

332.322 Persons who lost eligibility because of military service.

332.323 Employees separated during probation.

### Subpart D—Consideration for Appointment

332.401 Order on registers.

332.402 Referring candidates for appointment.

332.403 Selective certification.

332.404 Order of selection from certificates.

332.405 Three considerations for appointment.

332.406 Objections to eligibles.

332.407 Restriction of consideration to one sex.

332.408 Shared use of a competitive certificate.

AUTHORITY: 5 U.S.C. 1103, 1104, 1302, 2108, 3301, 3302, 3304, 3312, 3317, 3318, 3319; sec. 2(d), Pub. L. 114-137, 130 Stat. 310; E.O. 10577, 19 FR 7521, 3 CFR, 1954-1958 Comp., p. 218.

SOURCE: 33 FR 12426, Sept. 4, 1968, unless otherwise noted.

### Subpart A—General Provisions

#### § 332.101 General policy of competition.

(a) Examinations for entrance into the competitive service shall be open competitive, except that OPM may authorize noncompetitive examinations when sufficient competent persons do not compete.

(b) An examination for promotion, demotion, reassignment, transfer, or reinstatement may be a noncompetitive examination.

#### § 332.102 Definitions.

In this part:

## § 332.301

*Active military duty* has the meaning given that term in 5 CFR 211.102(f).

*Certificate* means a list of eligibles from which an appointing officer selects one or more applicants for appointment.

*Objection* means an agency's request to remove a candidate from consideration on a particular certificate.

*Pass over request* means an objection filed against a preference eligible that results in the selection of a non-preference eligible.

[74 FR 30461, June 26, 2009]

### Subpart B [Reserved]

### Subpart C—Period of Competition and Eligibility

#### GENERAL

#### § 332.301 Termination of eligibility.

(a) Except as provided in paragraph (b) of this section, a person's eligibility on a register is terminated when:

(1) He accepts a career or career-conditional appointment from the register; or

(2) OPM terminates the eligibility of all persons on the register.

(b) OPM may determine that in particular types of cases eligibility may not be terminated in less than 1 year. OPM shall publish the conditions under which eligibility may not be terminated in less than 1 year.

[33 FR 12426, Sept. 4, 1968, as amended at 66 FR 66710, Dec. 27, 2001]

#### ACCEPTANCE OF APPLICATIONS AFTER CLOSING DATE OF EXAMINATIONS

#### § 332.311 Quarterly examinations.

(a) A 10-point preference eligible is entitled to file an application at any time for an examination for any position for which OPM maintains a register, for which a register is about to be established, or for which a non-temporary appointment was made in the preceding three years. For the purposes of this paragraph OPM shall hold an examination not later than the quarterly period succeeding that in which the application is filed.

(b) When there is no appropriate existing register, OPM may establish spe-

## 5 CFR Ch. I (1–1–22 Edition)

cial registers containing the names of eligibles from the quarterly examinations authorized by paragraph (a) of this section, together with the names of eligibles described in § 332.322, and use these registers for certification to fill appropriate vacancies.

[35 FR 414, Jan. 13, 1970, as amended at 41 FR 22549, June 4, 1976]

#### § 332.312 Applicants in military or overseas service.

Subject to the time limits and other conditions published by OPM in its operating manuals, the following persons are entitled to file applications for open competitive examinations after the closing date for receipt of applications when there is an existing register or a register about to be established:

(a) A person who could not file an application during the filing period, or appear for an assembled examination, because of military service, or hospitalization continuing for 1 year or less following discharge from military service;

(b) An employee of the Federal Government who, as a member of a reserve unit of the military service, could not file an application during the filing period, or appear for an assembled examination, because of active duty beyond 15 days with the military service even though the duty is designated for training purposes; and

(c) A United States citizen who could not file an application during the filing period, or appear for an assembled examination, because of overseas service with a Federal agency or with an international organization in which the United States Government participates.

[33 FR 12426, Sept. 4, 1968, as amended at 66 FR 66710, Dec. 27, 2001]

#### § 332.313 Preference eligibles separated from competitive positions.

The following persons are entitled to have their names entered on an appropriate existing register in the order prescribed by § 332.401 if they were last employed under career or career-conditional appointments:

(a) A preference eligible who is declared eligible therefor after appeal from furlough or discharge; and